

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JASON SCOTT HOUNIHAN,

Plaintiff,

v.

JOSE C. VILLASENOR,

Defendant.

Case No. 1:23-cv-00163-EPG (PC)

ORDER DENYING PLAINTIFF'S MOTION  
FOR MISCELLANEOUS RELIEF

(ECF No. 21)

ORDER REGARDING DEFENDANT'S  
NOTICE TO OPT OUT OF AN EARLY  
SETTLEMENT CONFERENCE

(ECF No. 22)

This matter has been referred for an early settlement conference. (ECF No. 15). However, Defendant filed a notice on July 10, 2023, to opt out of the early settlement conference. (ECF No. 22). As grounds, Defendant states:

On May 19, 2023, this Court directed the parties to participate in an early settlement conference. (Doc. No. 15). Having reviewed the allegations and available records, Defendant, Jose C. Villasenor, elects to opt out of the early settlement conference. Defendant does not believe a settlement conference would be productive at this time.

(*Id.* at 1).

Before the filing of this notice, Plaintiff filed a motion for miscellaneous relief, stating that defense counsel had not reached out to discuss settlement and appearing to ask that he be granted the relief sought in the complaint. (ECF No. 21).

While the Court's prior order did direct defense counsel to "speak with Plaintiff" about an early settlement conference, and it appears that defense counsel has failed to do so, there is no

1 authority permitting, nor does the Court find it appropriate, to grant Plaintiff the relief sought in  
2 the complaint based on this failure. It appears that defense counsel has made an informed decision  
3 to not participate in the settlement conference.

4 That said, Plaintiff is permitted to make a settlement offer to defense counsel at any time.  
5 If the parties believe a settlement conference could be useful in the future, they may contact the  
6 Court to set one.

7 Accordingly, IT IS ORDERED as follows:

- 8 1. Plaintiff's motion for miscellaneous relief (ECF No. 21) is denied.
- 9 2. Given Defendant's decision to opt out of the early settlement conference, the Court will  
10 issue an order directing the parties to file scheduling and discovery statements.

11 IT IS SO ORDERED.

12 Dated: July 11, 2023

13 /s/ Eric P. Gray  
14 UNITED STATES MAGISTRATE JUDGE  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28